

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

Case No. 2:21-CR-00011-M

UNITED STATES OF AMERICA,

Plaintiff,

v.

DERRICK LANAIRE WHITE, JR.,

Defendant.

ORDER

These matters come before the court on the Defendant's pro se Motion ... Pursuant to the Violation of the Insanity Defense Act ..., [DE 91] and "Motion for Temporary Release Pending Review of Post-Conviction Motion" [DE 92]. In the motion at DE 91, Defendant argues that his "conviction must be vacated under [sic] Pursuant to 28 USC 2255 due to the violation of due process rights under the Fifth and Fourteenth Amendments and Rule 11 of the Federal Rules of Criminal Procedure." DE 91 at 2. Based on this statement and Defendant's characterization of the motion, the court liberally construes the motion as a petition pursuant to 28 U.S.C. § 2255. It is this court's practice that all claims under § 2255 be presented on the court's pre-printed petition form. Therefore, the motion is DENIED WITHOUT PREJUDICE to the Defendant's ability to refile his claims on the court's pre-printed form.

In the motion seeking temporary release, the court finds Defendant establishes an insufficient basis on which to grant him any "temporary" release from imprisonment. For example, he points to nothing supporting his statement that he has a "well-documented history of mental health issues." Accordingly, the motion at DE 92 is DENIED.

The Clerk of the Court is directed to provide Defendant, along with a copy of this order, a § 2255 petition form on which Defendant shall present his claims. For purposes of any statute of limitations defense, the time period from the date Defendant filed the motion at DE 91 to the date on which he files a completed form (if any) will not be counted against Defendant.

SO ORDERED this 19th day of August, 2025.

A handwritten signature in blue ink, reading "Richard E. Myers II", followed by a horizontal line and a small "II" to the right.

RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE